

II. Remarks

The final Office Action of January 24, 2005, Paper No. 012305, was carefully reviewed and to highlight the distinctions of the above-referenced invention Applicant has amended Claim 33 to overcome the rejections set forth by the Examiner. It is respectfully requested that the Examiner reconsider the present application of claims as currently pending in view of the following remarks.

All of the Claims 9-33 are pending in this application, Claims 26-32 stand withdrawn from consideration, Claims 9-25 are allowed and Claim 33 was rejected.

In paragraph three of the above referenced Office Action, the Examiner rejected Claim 33 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. It is the Examiner's contention that the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor at the time the application was filed, had possession of the claimed invention. This rejection is a repeat of a rejection in an earlier action based on the Examiner claiming to have reviewed the portions of the specification indicated by Applicant as supporting the subject matter of generic Claim 33. Specifically, the Examiner's rejection pointed out that

“however the Examiner still cannot find support in the original disclosure for this generic language (for example, using only a single nest in the process of the invention; the overlay not having at least one predefined opening, at least one of the nests sealing around the respective at least one predefined opening of the overlay and the wheel to define the cavity into which the foamable liquid is injected; and disengaging the nests before foaming of the foamable liquid to completely fill the mold cavity).”

In the prior action, the undersigned had set forth various locations within the specification that supported this specific language. The fact that only a single nest may be used is

clearly set forth in the summary of the invention at page 8, lines 3-5, which states as follows:

“...If an adhesive/sealant is applied, the process begins by fixturing the overlay. In the present invention the overlay is oriented with the outboard face down in a nest or fixture.”

Note that this is true support that only a single nest need be used. However, Applicant has amended the claim language to read “a first set of nests” which clearly reflects the use of a single nest, which could have multiple areas which seal.

Further, the Examiner indicated that there is no support for the overlay not having at least one predefined opening and at least one of the nests sealing around the respective at least one predefined opening of the overlay and the wheel to define the cavity into which the foamable liquid is injected. Clearly, there is ample support in the specification as shown in earlier responses for the process not sealing around the predefined openings. For example, at page 7, lines 10-15, the specification states as follows:

“Optionally, a sealant bead maybe applied around the turbine openings and/or inner diameter or periphery, to provide additional sealing and completely eliminate foam flashing, that in turn eliminates the step of trimming excess foam from any adjoining surfaces between the cladding and wheel after the adhesive/sealant has cured.”

Then on page 7, line 15, the specification continues as follows:

“In the present invention, the overlay is aligned with, located, and clamped to the wheel with the exception of predetermined sealed areas. The outboard surfaces of the overlay and wheel are spaced apart, leaving a cavity therebetween. Localized nests at strategically placed locations act on the wheel and overlay assembly to seal the assembly on the wheel and thereby create a mold cavity.”

Note that the specification clearly teaches that the predefined opening is not necessary in order to define a cavity between the wheel and the overlay, which can be filled with the foam. Therefore, the fact that an element within Claim 33 does not claim a turbine opening is

irrelevant since the invention clearly sets forth that the cavity can be created between the wheel and the overlay which may be used as a mold to receive the foamable adhesive. This is further confirmed at page 10, lines 18-20, which clearly provides support to create a cavity between the overlay and the wheel into which the foam may expand.

The last comment by the Examiner in the rejection set forth in paragraph 3 is not understood. The Examiner stated as follows:

“...and disengaging the nests before foaming of the foamable liquid to completely fill the mold cavity”.

The specification clearly sets forth that as the foam is injected into the cavity, the foamable liquid expands and fills the foamed cavity. Accordingly, it is not understood what the Examiner means by disengaging the nests before foaming of the foamable liquid to completely fill the mold cavity. Clearly this language is not in Claim 33 and therefore, the undersigned specifically requests clarification since it is unknown how to respond to this statement.

In any event, Claim 33 has been amended to more clearly set forth the invention and since it has been shown hereinabove, that there is ample support in the specification to claim only a single nest, it is respectfully requested that the rejection of Claim 33 be withdrawn for the reason that the claim does indeed set forth subject matter which is clearly described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor at the time the application was filed did indeed have possession of the claimed invention.

The undersigned wishes to express his appreciation to the Examiner for setting forth the allowability of Claims 9-25. It is also respectfully requested that the rejection with respect to Claim 33 be withdrawn so that the whole application may be in condition for

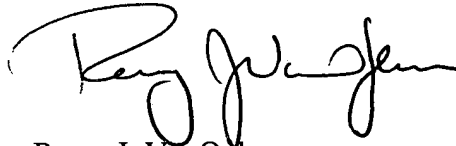
allowance.

Every attempt has been made to place the claims in condition for allowance and it is respectfully asserted that there are no further issues, formal or substantive, that remain for prosecution. Formal allowance of the application is, therefore, respectfully solicited.

If the Examiner has any questions with respect to any matter now of record, Applicant's attorney may be reached at (586) 739-7445.

Respectfully submitted,

VANOPHEM & VANOPHEM, P.C.



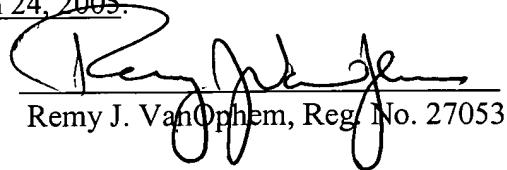
Remy J. VanOphem
Attorney for Applicant
Registration No. 27053

51543 Van Dyke Avenue
Suite 103
Shelby Township, MI 48316-4447
(586) 739-7445
Attorney Docket: LII150B US
RVO/ndt

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Date: March 24, 2005



Remy J. VanOphem, Reg. No. 27053